

October 9, 2007

James Colter, P.E.  
Remedial Project Manager (Code OPNEEV)  
Facilities Engineering Command, Mid-Atlantic  
Naval Facilities Engineering Command  
9742 Maryland Avenue  
Norfolk, VA 23511-3095

Re: Responses to EPA Comments on the Draft Final Feasibility Study

Dear Mr. Colter:

EPA reviewed the Navy's responses, dated September 14, 2007, on the *Feasibility Study Revision 1* for the former Robert E. Derecktor Shipyard, dated March 2007 in light of their completeness, consistency, and accuracy. Detailed comments are provided in Attachment A.

EPA requested that TSCA be added as an action-specific ARAR for Alternatives 2, 3 and 4. The text description of the EPA comments (SC 61, 64, and 67) describes a chemical-specific ARAR. While TSCA should be an action-specific ARAR for Alternative 3 and 4 based on management of PCB wastes including disposal options, it is also a chemical-specific ARAR for all alternatives because cleanup would be required if PCB concentrations result in excess risk to human health or the environment, as is the case at this site. Consequently, TSCA applies to all the alternatives as a chemical-specific ARAR and the description of TSCA requirements as an action-specific ARAR should be changed to address how PCB waste is managed including disposal options.

EPA is concerned about the limited scope of the PDI (*i.e.*, only addresses areas previously sampled). Previous sampling locations did not include all areas of likely contamination based on site usage and site characteristics. The scope of the PDI must include areas not previously sampled where contamination is likely. Specifically, the sediments in the vicinity of the berthed ships could have elevated levels of contamination and should be sampled. Also, the areas immediately north and south of Pier 2 have not been sampled. These areas are characterized as low velocity areas and are therefore depositional areas (*see* Figure 1-4 of the Draft Final FS). Furthermore, based on the inherent mobility of the sediment, the PDI should include additional locations not sampled previously to confirm that the extent of contamination has been adequately defined.

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EPA believes that it is premature to assume that a decreasing trend in contaminant concentrations has occurred at the site. A much more robust characterization is required in the PDI to demonstrate that a decreasing trend *could* be occurring, and certainly more than one sampling round.

I look forward to working with you and the Rhode Island Department of Environmental Management toward the cleanup of Derecktor Shipyard. Please do not hesitate to contact me at (617) 918-1385 should you have any questions or wish to arrange a meeting.

Sincerely,

Kymberlee Keckler, Remedial Project Manager  
Federal Facilities Superfund Section

Attachment

cc: Paul Kulpa, RIDEM, Providence, RI  
Cornelia Mueller, NETC, Newport, RI  
Paula Loht, Gannet Fleming, Harrisburg, PA  
Ken Finkelstein, NOAA, Boston, MA  
Steven Parker, Tetra Tech-NUS, Wilmington, MA

## ATTACHMENT A

<u>Page</u>	<u>Comment</u>
p. 4-5, ¶1	<p>EPA has experience with other marine Superfund sites where finfish consumption poses an unacceptable risk and therefore finfishing bans are in effect. If Native American fisherman are allowed to harvest in Derecktor Shipyard, they could be a susceptible population. Also please consider whether certain commercial fishing techniques (<i>e.g.</i>, dragging) would disturb contaminated areas and therefore require restrictions for the remedy to remain protective of human health and the environment.</p>
p. 5-13, ¶4	<p>The final determination of whether the material is regulated by RCRA for toxicity will be made when the material is analyzed for final disposal. However, the Navy should know now whether any listed hazardous waste exists at the site and this should be clarified in the FS.</p> <p>The FS may not assume that the material is not regulated by TSCA. If the contaminated sediment was contaminated by listed hazardous waste, it is hazardous waste. A PCB concentration of 50 ppm is not the threshold for determining whether or not a material is regulated by TSCA. Contamination by PCBs at any concentration greater than one ppm may be regulated by TSCA and concentrations resulting in excess risk are regulated by TSCA. Based on the concentrations of PCBs found at the site and the resulting risk, TSCA is an applicable ARAR for all alternatives. Please edit the FS accordingly.</p>